THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 17029 of 2007

DATE: 10-08-2007

Between :

Bollabathini Chakrapani

… Petitioner

And

The District Collector,
Karimnagar and 2 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 17029 of 2007

ORDER:

The petitioner is the authorized dealer of the Fair Price Shop No.525 of Gattubuthkur Village, Gangadhara Mandal, Karimnagar District.

It appears that certain complaints were received from the villagers alleging irregularities in distribution of the essential commodities by the petitioner and basing on the same, the second respondent-Revenue Divisional Officer issued notice dated 25-04-2007 calling upon the petitioner to show cause as to why his authorization should not be cancelled for contravention of conditions 1, 7 and 11 of the authorization issued under Clause 5(5) of the Provisions of Andhra Pradesh State Public Distribution System Control Order, 2001. On the same day, by a separate order, the petitioner's authorization was suspended pending enquiry. Aggrieved by the action of the second respondent, the petitioner filed W.P.No.10244 of 2007. While directing Rule Nisi, this Court passed an order on 09-05-2007 in WPMP.No.12947 of 2007 in W.P.No.10244 of 2007 as under:

> "Pending further orders, there shall be interim suspension as prayed for. However, this order shall not preclude the respondents-authorities from completing the enquiry in the matter and passing appropriate orders thereon."

Subsequently, the impugned order dated 02-06-2007 came to be passed canceling the authorization of the petitioner observing that in spite of the show cause notice, the petitioner failed to submit his

explanation and the alleged contraventions are established in the light of the material available on record.

The said order is under challenge in this writ petition contending *inter alia* that the action of the second respondent in passing the impugned order without issuing a fresh show cause notice pursuant to the directions of this Court in WPMP.No.12947 of 2007 in W.P.No.10244 of 2007 as arbitrary and illegal.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents, though I do not find any substance in the contention of the petitioner that the respondents are bound to issue a fresh show cause notice pursuant to the interim order granted by this Court in WP.No.10244 of 2007, having regard to the nature of the impugned order which results in civil consequences, I deem it appropriate to afford an opportunity to the petitioner to submit his explanation so that appropriate order would be passed on merits.

Accordingly, the impugned order dated 02-06-2007 is set aside and the writ petition is disposed of permitting the petitioner to submit his explanation to the show cause notice dated
25-04-2007 within a period of one week from the date of receipt of a copy of this order. If any such explanation is filed within the time fixed above, the same shall be considered and appropriate orders be passed afresh by the 2nd respondent in accordance with law. No costs.

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G. ROHINI,J.

Date: 10-08-2007
KLP